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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WEBB, GREGORY E

ART UNIT

PAPER NUMBER

1751

8

DATE MAILED: 07/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,974

Applicant(s)

MULLANE, MARK GARY

Examiner

Gregory E. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,12 and 24-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,12 and 24-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant claims a range in claim 34 but does not provide a second limit. A range must consist of a lower and an upper boundary. In the instant case the applicant has not provided this second limit. Instead the applicant has provided a single concentration ratio defining the amount of water and acid in the instant compositions. The applicant must either remove the range claim or provide an upper limit for the range.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 12, 24, 28-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Levitt (US 6,326,344).
3. Levitt teaches carpet cleaners containing water, isoparaffins, emulsifiers (coupling agent) and various surfactants (see table 1; noting that the various surfactants act as cleaning agents).
4. Levitt teaches the addition of secondary additives including perfumes and buffers such as alkali carbonates (i.e. builders; see col. 6). Levitt teach the pH to range from 4-10 (see col. 6,

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lines 30-50). Concerning the low foam surfactant, many of the surfactants taught by Levitt are low foam (see col. 5, line 55-68; noting that long chain alcohol ethoxylates have limited solubility in water and would thus at certain temperatures be considered very low foaming).

5. Concerning claim 12, as the ingredients in the prior art are identical to those claims (material limitations), the ability to dilute the prior art compositions would be inherent (intended use limitations).

6. Claims 1, 2, 12, 24, 26, 27, 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Silvaggi et al (US 6,177,395).

7. Silvaggi teaches cleaning compositions in column 16 containing water, glycol ethers (coupling agents), benzyl alcohol (organic solvent), surfactants (amine oxides), and various builders including hydrogen peroxide, chelating agents, and salicylic acid.

8. Concerning claim 26, Silvaggi teaches the chelating agent can be an amino alkylene poly alkylene phosphonate (i.e. salt of a polyphosphonic acid; see col. 12, lines 40-68).

9. Claims 1, 2, 12, 24, 28-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Scialla et al (US 5,905,065).

10. Scialla teaches carpet cleaning compositions containing nonionic surfactants (see col. 11), builders (see col. 12, lines 15-34), a pH from 1-9 (see col. 10, lines 35-60), solvents and perfumes (see col. 10, lines 58-65), fatty acid alkyl esters (see col. 12, lines 1-14) and poly phosphates (see col. 7, lines 23-43).

11. Claims 1, 12, 29, 30, 32, 33, 35, 37, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Minns et al (US 5,252,243).

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12. Minns teaches methods and compositions for cleaning carpets. In claim 1, Minns teaches an alkaline composition containing alcohol (surfactant; noting that alcohols such as isopropyl alcohol significantly reduce the surface tension of water and would thus fit the broad category of surfactants), hydrogen peroxide (cleaning agent), ammonium hydroxide (cleaning agent), and water (cleaning agent; see example). Minns teaches the neutralization of the alkaline cleaner with an acidic rinse of acetic acid and water. Minns teaches the alkaline cleaner to have a pH from 7 to 12 and preferably from 9-10.5. Minns teaches the step of brushing the surface after applying the alkaline cleaner (see col. 4, lines 60-68).

13. Claims 1, 2, 12, 24, 26-27, 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Osberghaus (US 5,429,684).

14. Osberghaus teaches compositions containing surfactants, solvents, complexing agents, water, and various additives (see abstract).

15. In table I Osberghaus teaches various compositions containing surfactants, polyphosphates, glycol ethers, water and perfumes. Osberghaus teaches the complexing agent may be a polyphosphoric acid derivative (see col. 4).

16. Concerning the pH, Osberghaus teaches the pH to range from 4-12 and from 6-8 (see col. 4).

17. Claims 1, 2, 12, 27, 29-35, and 37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Rolando et al (US 5,797,986).

18. Rolando teaches alkaline and acidic compositions for cleaning floors. In col. 6 Rolando teaches alkaline compositions containing buffers, an alkaline source, surfactants, sequestering agents, and solvents. Rolando teaches the use of solvents and co-solvents. The solvent is

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preferably a glycol ether. Rolando teaches the pH of the alkaline solution to be between 9-10 and the acidic composition to have a pH of between 1 and 6.5 (see cols. 6 and 8). Rolando teaches the weak acid to be citric acid (see col. 8, lines 5-45) in amounts ranging from 1-15% of the solution (see col. 6, lines 55-64).

19. Concerning claims 39 and 40, in the table presented in column 12 Rolando teaches a cleaning sequence on Monday which involves an alkaline treatment followed by two acidic treatments (i.e. 2:1 neutralizing to alkaline)

20. Claims 1, 2, 12, and 24, 25, 27, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Fonsny et al (US 5,948,743).

21. Fonsny teaches a composition containing water, solvents, couplers, peroxide, perfume, and benzalkonium chloride (noting that this is a nitrogen based compound excluded by claim 31; see example 1).

22. Concerning claims 2 and 26, Fonsny teaches the use of polyphosphates as buffers (see col. 12).

23. Claims 1, 12, 29-33, and 35-38 are rejected under 35 U.S.C. 102(b) as being anticipated by King et al (US 4,599,116).

24. King teaches two step cleaning of aluminum with the first step being alkaline and the second step being slightly acidic to slightly alkaline (see col. 7, lines 37-66). King teaches the temperature of the rinse solution to be from 90°F to 150°F (see col. 6).

25. In example 3, King teaches a composition containing sodium hydroxide, sodium gluconate, sodium carbonate, surfactants, and sodium citrate.

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*Allowable Subject Matter*

26. Although none of the current claims have been found to be allowable, combinations of such claims could possibly be allowable. Specific features found in the applicant's claims were difficult to find. As such combinations of specific claim limitations such as claim 25 and claim 37 were not found in this preliminary search. It is suggested that the applicant 1) either more clearly define the constituents of the single solution either by requiring more constituents or requiring a more narrow range for these constituents or 2) combine the specific compositional limitations with specific method steps.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 703-305-4945. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9310 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.



Gregory E. Webb  
Primary Examiner  
Art Unit 1751

gw  
July 17, 2003